

Houston; and that said committee make all necessary arrangements for the funeral.

Resolved, That the necessary expense attending the funeral be charged to the contingent fund of the Fourteenth Legislature.

Also, that the House had appointed as said committee, Messrs. Storey, Rainey, Denman, Henderson of Smith, Harrison, Easley, Brown of Gregg, Smith of Travis, Murphy and Linn.

On motion of Senator Dillard, the rules were suspended to take up the message from the House.

Senator Dillard moved that the concurrent resolution be adopted by the Senate. Carried.

The President of the Senate appointed as Senate Committee, to act with the House committee, on the concurrent resolution, Senators, Dillard, Dwyer, Allison, Ball and Ireland.

Senator Morris offered the following resolution:

WHEREAS, It has pleased the Creator, to take from us one of our members, the Hon. John T. Smith, member of the House of Representatives, from Houston county; therefore, be it

Resolved, That the Senate do now adjourn out of respect for our deceased member, until 10 A. M., to-morrow.

Adopted.

THIRTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 18, 1874. }

Senate met pursuant to adjournment.

Roll called; quorum present.

Prayer by the chaplain.

The journal of yesterday was read and adopted.

On motion of Senator Dillard, Mr. Leigh Chalmers, calendar clerk, was excused for the day, as his attendance was required at the court room.

Senators Baker, Wood and Moore were appointed as the Senate committee, to act with a like committee on the part of the House, under House concurrent resolution providing for a joint committee "to take into consideration the financial condition of the State."

Senator Westfall offered the following resolution:

Resolved, That the Committee on Public Buildings inquire into the propriety and cost of lighting the Lunatic Asylum with gas; and, if found advisable to do so, to report a bill to that effect.

Adopted.

Senator Ellis introduced a bill entitled "An act to amend an act entitled 'An act to provide for the registration of voters,

and to repeal an act to provide for a special registration of voters, preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement," approved May 31, 1871, approved April 29, 1873. Read first time and referred to Committee on State Affairs.

Senator Ireland introduced a bill entitled "An act to amend the sixty-seventh section of 'An act to regulate proceedings in the district courts,'" approved May 18, 1848. Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to authorize the taxation of attorneys's fees in certain cases." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill, entitled "An act to subject married women to the same laws of limitation that control the rights of adult male persons." Read first time and referred to the Judiciary Committee.

Senator Ireland introduced a bill, entitled "An act to authorize the Supreme Court to grant rehearings in certain cases." Read first time and referred to the Judiciary Committee.

Senator Stirman introduced a bill, entitled "An act to amend the sixth section of 'An act to authorize counties, cities, and towns, to aid in the construction of railroads and other works of internal improvement.'" Read first time and referred to the Judiciary Committee.

Senator Ireland introduced a bill, entitled "An act to authorize and empower the Governor to prescribe the number of hours for labor in the several departments of the government." Read first time and referred to the Judiciary Committee.

Senator Dillard introduced a bill, entitled "An act to limit and define the rights of mortgagee creditors, holding mortgages upon growing crops." Read first time and referred to the Judiciary Committee.

Senator Westfall offered the following resolution:

Resolved, That a select committee of three be, and they are hereby, requested, at their earliest convenience, to visit the penitentiary, make a thorough examination, and report the condition of the same, together with the number of inmates and such other information as, in their judgment, may be necessary to enable the Legislature to take into consideration the propriety of establishing one or more branch penitentiaries.

Adopted.

Senator Erath offered the following resolution:

Resolved, That two thousand copies of the

special message of the Governor on the financial condition of the State, be printed and furnished to the Senate for distribution and information for the public.

Adopted.

The President of the Senate announced the reception of a communication from the Louisiana Legislature. Read and referred to Committee on Federal Relations.

ROOMS COMMITTEE OF SEVENTY, }
NEW ORLEANS, February —, 1874. }

To the Honorable Senate of the State of Texas:

SIRS—The pendency of the question of the admission of the Louisiana Senator at the recent adjournment of Congress, and your Legislature being now in session, leads us to solicit at your hands, and those of your colleagues in the latter body, some action looking to the instruction and request of your Senators to recognize the duly elected government of the people of this State by the admission of Hon. W. L. McMillen to his seat in the United States Senate. The facts of the case have been so freely ventilated by the public press, we take it, and by the Senate committee report last winter, as to render unnecessary from us any further explanation than is contained in the accompanying printed documents, which we forward herewith. The prophecy of that eminent jurist, Judge Cooley, on this subject, contained in his note to Story's Commentaries on the Constitution, that the usurpation in this State "if suffered to pass once unrebuked, a precedent will be tacitly ascribed to, which cannot fail to threaten constant danger to our liberties, especially at those very periods of high political excitement when prudence, caution and the strictest regard for the Constitution and the laws are most important," has found such speedy and abundant fulfillment in the current of political events in Mississippi and Arkansas, and the menace of its recurrence in Texas, as to fill the mind of every thoughtful and patriotic American citizen with grave apprehensions, lest new and successful judicial usurpations may rear their fronts in others, if not in all the States of the American Union, as the exigencies of defeated and desperate minorities may demand. "What party or what political leader can at such times be expected to pay scrupulous deference to the laws if a judge may ignore them with impunity?" asks the learned commentator, and in the light of recent events the answer is painfully obvious. The pending issue thus becomes a matter of national importance, for if by the refusal to admit our Senator elect, and admitting his opponent, the Senate should confirm and approve the Louisiana usurpation, it would present new dangers to those States yet happily free from this curse, by neutralizing their voices by the votes of Senators who would revive

in their persons and their admittance a political outrage, a thousand fold more odious than the rotten-borough system of England, and might, possibly at the crisis of its fate, surrender the destinies of the nation to an irresponsible judicial creature, who would be accountable to no constituency. The legislatures of the various States have, at times, by their instructions and requests to their Congressmen exercised great influence in controlling their action, and such measures, adopted by your Legislature, would, we are fully persuaded, do much to avert the threatened enslavement of this State, and serve to protect in the future the other States of the Union, should like emergencies unhappily arise. Trusting to your well known ability, patriotism and influence, we hope for your active assistance, in the non-partisan spirit in which it has been the aim of our citizens to present the issue to the American Congress and people, by your suggesting and moving promptly in the matter, so as to procure favorable action by your Legislature, and pledging Louisiana's assistance, should your State be ever so unfortunately situated, as well as her grateful remembrance.

We are, yours respectfully,

E. BOOTH,
F. C. ZACHARIE,
Sub. Committee.

A message was received from the Governor.

Senator Allison, chairman Committee on Stock and Stockraising, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 111, "An act to authorize the several county courts in this State to offer a premium for wolf scalps," having examined the same, instruct me to report it back with the following amendment, to-wit: Amend by inserting "or otherwise destroy," after the word "burn," in section third, and recommend its passage as amended.

R. D. ALLISON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 161, "An act to prevent the herding of stock on certain lands," approved June 2, 1873, have carefully considered the same, and instruct me to report it back, with the recommendation that it do pass, with the following amendment: Amend by inserting "jacks and jennets" after "horses, cattle, sheep or goats."

All of which is respectfully submitted.

R. D. ALLISON, Chairman.

Senate bill No. 91, "An act for the relief of purchasers of University lands," etc., was read second time, amendments of the

committee lost, and the bill ordered engrossed.

Senator Trolinger moved to suspend the rules to put the bill on its third reading. Lost.

On motion of Senator Bradshaw, the following messages of the Governor were taken from the table and read:

EXECUTIVE OFFICE, }

AUSTIN, February 18, 1874. }

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointment, to-wit: H. Barkadale, of Dallas county, to be judge of the District Court for the Fourteenth Judicial District, *vice* Hardin Hart, resigned.

Respectfully,

RICHARD COKE, Governor.

EXECUTIVE OFFICE, }

AUSTIN, February 18, 1874. }

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the appointment of J. B. Robertson, of Washington county, Superintendent of Immigration, *vice* Gustave Loeffler, whose term has expired.

Respectfully,

RICHARD COKE, Governor.

EXECUTIVE OFFICE, }

AUSTIN, February 18, 1874. }

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointments, to-wit:

James C. Swagerty, to be notary public, Angelina county.

James C. Everett, to be notary public, Angelina county.

James Weeks, to be notary public, Angelina county.

John Sanders, to be notary public, Angelina county.

John T. S. Whitworth, to be notary public, Angelina county.

Robert Basley, to be notary public, Angelina county.

Albert W. Moursand, to be notary public, Blanco county.

E. B. Edmonds, to be notary public, Bexar county.

Charles F. Porter, to be notary public, Bowie county.

J. P. Reed, to be notary public, Caldwell county.

Robert Martendale, to be notary public, Caldwell county.

John D. Rice, to be notary public, Caldwell county.

William Kelly, to be notary public, Cameron county.

H. L. Howlett, to be notary public, Cameron county.

L. J. Hines, to be notary public, Cameron county.

William W. Henderson, to be notary public, Cass county.

James Perdue, to be notary public, Cass county.

John Hutchinson, to be notary public, Cass county.

W. E. Duncan, to be notary public, Cass county.

John Odell, to be notary public, Cass county.

Alexander Collins, to be notary public, Cass county.

J. Medlin, to be notary public, Clay county.

J. W. Louder, to be notary public, Clay county.

J. W. Welbourn, to be notary public, Cook county.

M. H. Whaley, to be notary public, Cook county.

J. R. Self, to be notary public, Cook county.

John C. Roberts, to be notary public, Cook county.

J. R. Fleming, to be notary public, Comanche county.

S. D. Lacy, to be notary public, Coryell county.

Thomas Morrow, to be notary public, Delta county.

D. B. Ramsey, to be notary public, Delta county.

Peter Davidson, to be notary public, Eastland county.

W. I. Brackett, to be notary public, Erath county.

T. M. Dixon, to be notary public, Ellis county.

H. F. Hinkley, to be notary public, Ellis county.

W. J. Coggins, to be notary public, Ellis county.

E. C. Newton, to be notary public, Ellis county.

J. M. Weston, to be notary public, Fort Bend county.

A. D. Paulus, to be notary public, Fayette county.

Samuel F. Winston, to be notary public, Gonzales county.

A. T. Smith, to be notary public, Harrison county.

James M. Curtis, to be notary public, Harrison county.

R. L. Hightower, to be notary public, Harrison county.

W. A. Smith, to be notary public, Harrison county.

J. P. Alford, to be notary public, Harrison county.

J. T. Fulton, to be notary public, Hidalgo county.

Francisco Estappa, to be notary public, Hidalgo county.

N. A. DeConniclo, to be notary public, Hood county.

William A. Green, to be notary public, Hopkins county.
 John Askew, to be notary public, Hopkins county.
 William C. Loring, to be notary public, Hopkins county.
 John M. Lowery, to be notary public, Hunt county.
 H. B. Simonds, to be notary public, Hunt county.
 Nathaniel Parker, to be notary public, Hunt county.
 Levi Dodd, to be notary public, Hunt county.
 F. C. McReynolds, to be notary public, Jefferson county.
 James Armstrong, to be notary public, Jefferson county.
 J. H. Logan, to be notary public, Johnson county.
 W. C. Barrett, to be notary public, McLennan county.
 Ely H. Foreman, to be notary public, Navarro county.
 Patrick F. Brannan, to be notary public, Parker county.
 John A. Franklin, to be notary public, Red River county.
 R. C. Graves, to be notary public, Red River county.
 John Terry, to be notary public, Red River county.
 John H. Beaty, to be notary public, Red River county.
 James C. Brown, to be notary public, Red River county.
 Wyndham Kemp, to be notary public, Robertson county.
 G. H. Gould, to be notary public, Rusk county.
 Joel M. Hargrove, to be notary public, Shelby county.
 James P. Pain, to be notary public, Shelby county.
 J. B. Hall, to be notary public, Smith county.
 John Dean, to be notary public, Smith county.
 E. Lindsey, to be notary public, Smith county.
 James Livingston, to be notary public, Starr county.
 M. Duffy, to be notary public, Starr county.
 Thomas O. Moody, to be notary public, Tarrant county.
 A. B. Peticolas, to be notary public, Victoria county.
 Cristobal Benavides, to be notary public, Webb county.
 Lazaro de la Garza, to be notary public, Webb county.
 Martin Gonzales, to be notary public, Webb county.
 J. C. Buchanan, to be notary public, Wood county.

A. L. Adams, to be notary public, Wood county.
 W. B. Plemmons, to be notary public, Wood county.
 E. G. Carter, to be notary public, Wood county.
 Henry L. Rankin, to be notary public, Waller county.
 A. Jeffries, to be notary public, Washington county.
 J. Richard Lynn, to be notary public, Refugio county.
 George W. Belcher, to be notary public, Hill county.
 J. P. Smith, to be notary public, Tarrant county.
 Respectfully,

RICHARD COKE.

On motion of Senator Bradshaw, the Senate went into executive session.

IN SENATE.

On motion of Senator Dillard, the secretary was intructed to inform his excellency, the Governor, that the Senate does advise and consent to the appointment of the following officers:

H. Barksdale, to be judge of the Fourteenth Judicial District.

J. B. Robertson, to be Superintendent of Immigration.

For Notaries Public—James C. Swagerty, Angelina county; James C. Everett, Angelina county; James Weeks, Angelina county; John Sanders, Angelina county; John T. L. Whitworth, Angelina county; Robert Basley, Angelina county; Albert W. Mour-sand, Blanco county; E. B. Edmonds, Bexar county; Charles F. Porter, Bowie county; J. P. Reed, Caldwell county; Robert Martendale, Caldwell county; John D. Rice, Caldwell county; William Kelly, H. L. Howlett, L. J. Hines, Cameron county; William W. Henderson, James Perdue, John Hutchinson, W. E. Duncan, John Odell, Alexander Collins, Cass county; J. Mealin, Clay county; J. W. Louder, Clay county; J. W. Welbourn, Cook county; M. H. Whaley, Cook county; J. R. Self, Cook county; John C. Roberts, Cook county; J. R. Fleming, Comanche county; S. D. Lacy, Coryell county; Thomas Morrow, Delta county; D. B. Ramsey, Delta county; Peter Davidson, Eastland county; W. I. Bocket, Erath county; T. M. Dixon, Ellis county; H. F. Hinkley, Ellis county; W. J. Coggins, Ellis county; E. C. Newton, Ellis county; J. M. Weston, Fort Bend county; A. D. Baulus, Fayette county; Samuel F. Winston, Gonzales county; A. T. Smith, James M. Curtis, R. L. High-tower, W. A. Smith, J. P. Alford, Harrison county; J. T. Tulton, Francisco Estappa, Hidalgo county; N. A. DeCon-nico, Hood county; William A. Green,

John Askew, William C. Loring, Hopkins county; John M. Lowery, H. B. Simonds, Nathaniel Parker, Levi Dodd, Hunt county; F. C. McReynolds, James Armstrong, Jefferson county; J. H. Logan, Johnson county; W. C. Barrett, McLennan county; Ely H. Foreman, Navarro county; Patrick F. Brannan, Parker county; John A. Franklin, R. C. Graves, John Terry, John H. Beaty, James C. Brown, Red River county; Wyndham Kemp, Robertson county; Joel M. Hargrove, James P. Pain, Shelby county; J. B. Hall, John Dean, E. Lindsey, Smith county; James Livingston, M. Duffy, Starr county; Thomas O. Moody, Tarrant county; A. B. Peticolas, Victoria county; Christobal Benavides, Lazaro de la Garza, Martin Gonzales, Webb county; J. C. Buchanan, A. L. Adams, W. B. Plemmons, E. G. Carter, Wood county; Henry L. Rankin, Waller county; A. Jeffries, Washington county; J. Richard Linn, Refugio county; George W. Belcher, Hill county; J. P. Smith, Tarrant county.

This being the hour for the consideration of the special order, House bill No. 146, "An act to branch the Supreme Court," together with the two reports made by the committee on the subject, it was taken up.

Senator Camp moved to adopt the majority report.

Senator Ball moved to lay the motion of Senator Camp on the table. Lost, by the following vote:

Yeas—Senators Allison, Ball, Bradshaw, Baker, Ellis, Moore, Randle and Trolinger—8.

Nays—Senators Bradley, Camp, Davenport, Dillard, Dwyer, Flanagan, Friend, Hobby, Ireland, Morris, Parker, Russell, Stirman, Swift, Trolinger and Wood—16.

Absent not voting—Senators Culberson, Erath and Ledbetter.

The question then recurred on the recommendation of the majority report on said House bill to strike out "Dallas," and insert, "Tyler."

Pending the discussion of the question, the Senate, on motion of Senator Parker, adjourned to 8 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

The pending question was the majority report of the Committee, on House bill No. 146, "An act to branch the Supreme Court," that "Dallas" be stricken out, and "Tyler" inserted.

Senator Ball moved a call of the Senate. Call sustained. Roll called, and Senator Randle found to be absent.

On motion of Senator Ireland, the Senate adjourned to 10 o'clock A. M. to-morrow.

THIRTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, February 19, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. A. P. Smith, of Dallas. Journal of yesterday read, corrected, and adopted.

Senator Westfall presented a petition from citizens of Burnet county, asking the Legislature to pass a law "authorizing the police court of Burnet county to issue bonds, etc." Read and referred to the Judiciary Committee.

Senator Westfall presented a transcript from the records of Lampasas county, in regard to the county boundaries of said county. Read and referred to the Committee on Counties and County Boundaries.

Senator Ball presented a petition from citizens of Young county, asking the Legislature "to open up the Indian reservation to actual settlers." Read and referred to the Committee on Public Lands.

(Senator Wood in the chair.)

Senator Erath presented a petition from citizens of Waco, asking the Legislature "to authorize the levying by the corporation of a higher tax." Read and referred to Committee on State Affairs.

Senator Swift, chairman of Committee on Claims and Accounts, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 138, "An act to provide for the re-payment to James J. Gathings, of Hill county, money illegally extorted from him by the State police," have carefully examined and considered the same, and instruct me to report the said bill back, with the recommendation that it do pass.

W. H. SWIFT, Chairman.

(Mr. President in the chair.)

Senator Ball introduced a bill, entitled "An act to regulate the disposal of the public lands of the State of Texas." Read first time and referred to Committee on Public Lands.

Senator Wood introduced a bill entitled "An act to define the meaning, and give construction and effect to the twenty-first section of an act entitled 'An act of limitation,'" passed the fifth of February, A. D. 1841. Read first time and referred to Judiciary Committee.

Senator Russell introduced a bill entitled "An act to repeal 'An act in aid of the financial condition of Cameron county,'" approved March 29, 1873. Read first time and referred to Committee on Counties and County Boundaries.

Senator Friend introduced a bill entitled